

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLSTAR MARKETING GROUP, LLC,

Plaintiff

v.

ALI DROPSHIPPING SUPPORT STORE, ALIEXPRESS
GLOBAL DROPSHIPPING STORE, ALIHOME DESIGN
STORE, ALINA LIVING STORE, BR SERVICE STORE,
CAIDA STORE, COOCNICO OFFICIAL STORE,
DONGGUAN AI CHENG TOYS CO., LTD., DROPSHIP-
007 STORE, DROPSHIPPING HOUSE901 STORE, EFDKC
OFFICIAL CAR ACCESSORIES STORE, EXQUISITE LIFE
365 STORE, FANTASY H-OME & LIFE STORE, FOUR
SEASONS' SONG, GUANGZHOU HAPPY ISLAND TOYS
CO., LTD., H & M LUB-AN STORE, HEQU FASHION,
HUNAN HECHENG YUANMAI EQUIPMENT CO., LTD.,
JESSIC STORE, JIANDE JADE TEXTILES CO., LTD.,
JOYLIVE STORE, JOYLOVE STORE, LITTLE FOR
BABY STORE, MARKETHUB STORE, MEIHUA
COSMETICS (HUIZHOU) CO., LTD., MSCARTOON
STORE, NINGBO SUNREAL ELECTRONIC CO., LTD.,
SHANGHAI GOT GIFT CO., LTD., SHANGHAI ZHEYI
TRADING CO., LTD., SHENZHEN NEWSTAR
ELECTRONIC TECHNOLOGY CO., LTD., SHENZHEN
TUOYI ELECTRONIC COMMERCE CO., LTD.,
SHOP4980079 STORE, SHOP5599062 STORE,
SHOP910968013 STORE, SHOP910976005 STORE,
SHOP911089025 STORE, SINDAX OFFICIAL STORE,
SUERTE HAPPYNESS STORE, SWEETY & JUMPING
GARDEN STORE, TOPSEXTOYS WORLD STORE,
WARM LIGHTING LIFE STORE, YANGZHOU
CREATIVE TOYS AND GIFTS CO., LTD., YANGZHOU
HAITONG TEXTILE PRODUCTS CO., LTD.,
YANGZHOU HOME KA CRAFTS LTD., YIWU
BINGGOU TOYS CO., LTD., YIWU JIALING IMPORT
AND EXPORT CO., LTD., YIWU LENORA TRADING
CO., LTD., YIWU ZHANGHUOQING E-COMMERCE
FIRM, YOUR HAPPINESS IS OUR PRIORITY STORE,
ZAKONA 2BIKINI STORE, ZXCXZ
HOUSEHOLDAPPLIANCE STORE and ZY FOR DROP
SHIPPING STORE,

Defendants.

ORDER OF DEFAULT

21 Civ. 333 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Complaint in this case was filed under seal on January 14, 2021 (Dkt. Nos. 5, 14);

WHEREAS on January 21, 2021, this Court granted Plaintiff's ex parte application for a temporary restraining order; an order restraining merchant storefronts and Defendants' assets with financial institutions; an order to show cause as to why a preliminary injunction should not issue; an order authorizing bifurcated and alternative service by electronic means; and an order authorizing expedited discovery (Dkt. Nos. 11-12);

WHEREAS Plaintiff served the Summons, Complaint, TRO, all papers supporting papers, and the Court's order on each Defendant on February 5 and 8, 2021, in accordance with the order authorizing alternative service (Certificate of Service (Dkt. No. 17) ¶ 8)

WHEREAS on February 18, 2021, Plaintiff appeared at the preliminary injunction hearing, but no Defendants appeared;

WHEREAS this Court issued a preliminary injunction on February 18, 2021 (Dkt. No. 3);

WHEREAS a copy of the preliminary injunction order was served on each Defendant by February 25, 2021 (Certificate of Service (Dkt. No. 18) ¶ 7);

WHEREAS Defendants have not appeared in this action or responded in any fashion to the Complaint;

WHEREAS on November 12, 2021, this Court directed Plaintiff to move for default judgment or to show cause why the action should not be dismissed for failure to prosecute (Dkt. No. 23);

WHEREAS on November 23, 2021, Plaintiff obtained an amended certificate of default against the Defendants, which reflects the dismissal of three of the defendants in this action – Yangzhou Creative Toys and Gifts Co., Ltd, Markethub Store, and TopSexToys World Store (Dkt. Nos. 21-22, 24, 27-28, 30);

WHEREAS on November 23, 2021, Plaintiff moved for a default judgment.

WHEREAS on January 6, 2022, this Court entered an Order to Show Cause, which directed Plaintiff to serve Defendants the order by January 13, 2022. Defendants were directed to respond in writing to this order by January 20, 2022. A show cause hearing was scheduled for January 27, 2022 (Dkt. No. 31);

WHEREAS a certificate of service was filed by Plaintiff on January 24, 2022 stating that Plaintiff had served each Defendant – except Dropship-007 Store and msccartoon Store – with the Order to Show Cause and supporting papers on January 6, 2022 (Dkt. No. 33);

WHEREAS on January 25, 2022, this Court adjourned the show cause hearing to February 10, 2022 and directed Plaintiff to provide supplemental briefing on the issue of personal jurisdiction (Dkt. No. 34);

WHEREAS on February 1, 2022, Plaintiff filed a supplemental letter regarding personal jurisdiction (Dkt. No. 35);

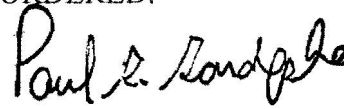
WHEREAS Defendants have filed no opposition to Plaintiff's motion for a default judgment and did not appear at the February 10, 2022 hearing;

WHEREAS, for reasons discussed at the February 10, 2022 hearing, Plaintiff has only established a basis for the Court to exercise personal jurisdiction over Defendants Coocnico Official Store, EFDKC Official Car Accessories Store, Four Seasons' Song, and Little For Baby Store;

It is hereby ORDERED that default is entered against Defendants Coocnico Official Store, EFDKC Official Car Accessories Store, Four Seasons' Song, and Little For Baby Store, and this matter is referred to Magistrate Judge Netburn for an inquest into damages. As to the remaining Defendants, Plaintiff will show cause in writing by February 17, 2022 why its claims against these Defendants should not be dismissed for lack of personal jurisdiction. The Clerk of Court is directed not to close this case.

Dated: New York, New York
February 14, 2022

SO ORDERED.

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge